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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,583	07/12/2001	Hisao Naitoh	1083.1083	9449
21171	7590	12/09/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ABRISHAMKAR, KAVEH	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,583

Applicant(s)

NAITOH, HISAO

Examiner

Kaveh Abrishamkar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the communication filed on July 12, 2001. Claims 1 – 17 were originally received for consideration. No preliminary amendments for the claims were filed. Claims 1 – 17 are currently under consideration.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2, is attached to his Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (U.S. Patent 6,785,732).

Regarding claim 1, Bates discloses:

A computer virus infection information providing method for detecting a computer virus in information transmitted between a terminal apparatus and a central apparatus and providing infection information concerning the detected computer virus, comprising the steps of:

- installing anti-virus software on the central apparatus (column 4 lines 38 – 57);
- storing a communication history of the terminal apparatus (column 5 line 57 – column 6 line 20, column 12 lines 37 – 58);
- specifying the time of infection based on the stored communication history when a computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60);
- transmitting the infection information including the specified time of infection, from the central apparatus to the terminal apparatus (column 8 lines 1 – 22, column 9 lines 38 – 60); and
- displaying the transmitted infection information by using the terminal apparatus (column 6 lines 21 – 62, column 8 lines 1 – 23, column 10 lines 28 – 67).

Regarding claim 2, Bates discloses:

A computer virus infection information providing system for detecting a computer virus and providing infection information concerning the detected computer virus, comprising:

- a central apparatus (Figure 3 item 300, column 4 lines 38 – 57); and

a terminal apparatus connected to the central apparatus via a communication network (Figure 3 items 210A-C, column 4 lines 38 – 57);

wherein the central apparatus includes a processor capable of performing operations of:

installing anti-virus software (column 4 lines 38 – 57);

storing a communication history of the terminal apparatus (column 5 line 57 – column 6 line 20, column 12 lines 37 – 58);

specifying the time of infection based on the stored communication history when a computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60); and

transmitting the infection information including the specified time of infection, to the terminal apparatus (column 8 lines 1 – 22, column 9 lines 38 – 60); and

wherein the terminal apparatus includes a processor capable of performing the operation of: displaying the transmitted infection information (column 6 lines 21 – 62, column 8 lines 1 – 23, column 10 lines 28 – 67).

Regarding claim 11, Bates discloses:

An infection information providing apparatus for detecting a computer virus in transmitted and received information and providing infection information concerning the detected computer virus, comprising a processor capable of performing operations of:

installing anti-virus software (column 4 lines 38 – 57);

storing communication history of the information (column 5 line 57 – column 6 line 20, column 12 lines 37 – 58);

specifying the time of infection based on the stored communication history when a computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60); and

transmitting the infection information including the specified time of infection, to the outside (column 8 lines 1 – 22, column 9 lines 38 – 60).

Regarding claim 15, Bates discloses:

A computer memory product readable by a computer and storing a computer program for detecting a computer virus in transmitted and received information and providing infection information concerning the detected computer virus, the computer program comprising the steps of:

storing a communication history of the information (column 5 line 57 – column 6 line 20, column 12 lines 37 – 58); and

specifying the time of infection based on the stored communication history when a computer virus is detected by anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60).

Regarding claim 16, Bates discloses:

A computer virus infection information providing system for detecting a computer virus and providing infection information concerning the detected computer virus, comprising:

- a central apparatus (Figure 3 item 300, column 4 lines 38 – 57); and
 - a terminal apparatus connected to the central apparatus via a communication network (Figure 3 items 210A-C, column 4 lines 38 – 57);
- wherein the central apparatus includes:
- means for installing anti-virus software (column 4 lines 38 – 57);
 - means for storing a communication history of the terminal apparatus (column 5 line 57 – column 6 line 20, column 12 lines 37 – 58);
 - means for specifying the time of infection based on the stored communication history when a computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60); and
 - means for transmitting the infection information including the specified time of infection to the terminal apparatus (column 8 lines 1 – 22, column 9 lines 38 – 60); and
- wherein the terminal apparatus includes means for displaying the transmitted infection information (column 6 lines 21 – 62, column 8 lines 1 – 23, column 10 lines 28 – 67).

Regarding claim 17, Bates discloses:

An infection information providing apparatus for detecting a computer virus in information transmitted to and received from the outside and providing infection information concerning the detected computer virus, comprising:

means for installing anti-virus software (column 4 lines 38 – 57);

means for storing a communication history of the information (column 5 line 57 – column 6 line 20, column 12 lines 37 – 58);

means for specifying the time of infection based on the stored communication history when a computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60); and

means for transmitting the infection information including the specified time of infection to the outside (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 3 is rejected as applied above in rejecting claim 2. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 2, wherein the processor of the central apparatus is further capable of performing an operation of registering the time of find-out which is the time when the computer virus was found out (column 8 lines 1 – 22, column 9 lines 38 – 60), and

wherein the time of infection is specified based on the stored communication history, the registered time of find-out, and the time of installation of the anti-virus software which is the time when the anti-virus software was installed, when the computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 4 is rejected as applied above in rejecting claim 2. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 2, wherein the processor of the central apparatus is further capable of performing an operation of specifying the route of infection of the computer virus based on the stored communication history and the time of installation which is the time when the anti-virus software was installed (column 8 lines 1 – 22, column 9 lines 38 – 67) and wherein the infection information including the specified route of infection and the specified time of infection is transmitted, to the terminal apparatus, when the infection information is transmitted (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 8 is rejected as applied above in rejecting claim 2. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 2, wherein the processor of the central apparatus is further capable of performing an operation of transmitting advertising information concerning the anti-virus software to the terminal apparatus when a computer virus is detected by the anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 12 is rejected as applied above in rejecting claim 11. Furthermore, Bates discloses:

An infection information providing apparatus according to claim 11, wherein the processor is further capable of performing an operation of registering the time of find-out

which is the time when the computer virus is found out (column 8 lines 1 – 22, column 9 lines 38 – 60), and

the time of infection is specified based on the stored communication history, the registered time of find-out, and the time of installation of the anti-virus software which is the time when the anti-virus software was installed, when a computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 13 is rejected as applied above in rejecting claim 11. Furthermore, Bates discloses:

An infection information providing apparatus according to claim 11, wherein the processor is further capable of performing an operation of specifying the route of infection of the computer virus based on the stored communication history and the time of installation which is the time when the anti-virus software was installed (column 8 lines 1 – 22, column 9 lines 38 – 67) and

the infection information including the specified route of infection and the specified time of infection is transmitted to the outside, when the infection information is transmitted (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 5 is rejected as applied above in rejecting claim 3. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 3, wherein the processor of the central apparatus is further capable of performing an operation of specifying the route of infection of the computer virus based on the stored

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communication history and the time of installation which is the time when the anti-virus software was installed (column 8 lines 1 – 22, column 9 lines 38 – 67), and wherein the infection information including the specified route of infection and the specified time of infection is transmitted, to the terminal apparatus, when the infection information is transmitted (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 6 is rejected as applied above in rejecting claim 3. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 3, wherein the processor of the central apparatus is further capable of performing an operation of transmitting the installed anti-virus software to a predetermined terminal apparatus, wherein the processor of the terminal apparatus is further capable of performing operations of:

installing the transmitted anti-virus software (column 11 lines 17 - 67);

storing an execution history of the installed anti-virus software (column 11 lines 17 - 67); and

transmitting the stored execution history to the central apparatus when a computer virus is detected by the anti-virus software (column 11 lines 17 - 67), and

wherein the processor of the central apparatus is further capable of performing the operations of:

specifying the time of infection based on the transmitted execution history and the registered time of find-out (column 8 lines 1 – 22, column 9 lines 38 – 60);

specifying the route of infection of the computer virus based on the transmitted execution history (column 8 lines 1 – 22, column 9 lines 38 – 67); and

transmitting the infection information including the specified time of infection and the specified route of infection, to the terminal apparatus (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 7 is rejected as applied above in rejecting claim 4. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 4, wherein the processor of the central apparatus is further capable of performing an operation of transmitting the installed anti-virus software to a predetermined terminal apparatus, wherein the processor of the terminal apparatus is further capable of performing operations of:

installing the transmitted anti-virus software (column 11 lines 17 – 67);

storing an execution history of the installed anti-virus software (column 11 lines 17 – 67); and

transmitting the stored execution history to the central apparatus when a computer virus is detected by the anti-virus software (column 11 lines 17 – 67), and wherein

the processor of the central apparatus is further capable of performing a operations of:

specifying the time of infection based on the transmitted execution history and the registered time of find-out (column 8 lines 1 – 22, column 9 lines 38 – 60);

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specifying the route of infection of the computer virus based on the transmitted execution history (column 8 lines 1 – 22, column 9 lines 38 – 67); and

transmitting the infection information including the specified time of infection and the specified route of infection, to the terminal apparatus (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 9 is rejected as applied above in rejecting claim 3. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 3, wherein the processor of the central apparatus is further capable of performing an operation of transmitting advertising information concerning the anti-virus software to the terminal apparatus when a computer virus is detected by the anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 10 is rejected as applied above in rejecting claim 4. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 4, wherein the processor of the central apparatus is further capable of performing an operation of transmitting advertising information concerning the anti-virus software to the terminal apparatus when a computer virus is detected by the anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60).

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Claim 14 is rejected as applied above in rejecting claim 12. Furthermore, Bates discloses:

An infection information providing apparatus according to claim 12, wherein the processor is further capable of performing an operation of specifying the route of infection of the computer virus based on the stored communication history and the time of installation which is the time when the anti-virus software was installed (column 8 lines 1 – 22, column 9 lines 38 – 67), and

the infection information including the specified route of infection and the specified time of infection is transmitted, to the outside, when the infection information is transmitted (column 8 lines 1 – 22, column 9 lines 38 – 60).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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